

IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. WJC No.682 of 2007
SABITA DEVI
Versus
THE STATE OF BIHAR & ORS

4 23.9.2008

The petitioner is the wife of deceased Nand Mohan Singh for which cousin of the deceased lodged a report on 12.6.2007 giving rise to Mohania P.S.Case No.154 of 2007 under section 302 of the Penal Code and section 27 of the Arms Act.

The grievance of the petitioner is that though it was a fit case for submission of charge sheet under section 302 of the Penal Code but the police have submitted charge sheet under section 304 of the Penal Code only. However, the learned Magistrate took cognizance of offence under section 302 of the Penal Code. The accused persons went in revision against taking of cognizance under section 302 and not under section 304 of the Penal Code, which was allowed.

Learned counsel for the petitioner submits that a quashing application is being preferred against the aforesaid revisional order. He submits that the deceased has four daughters and one son who is physically handicapped. He further submits that the petitioner is entitled to compensation also.

In the facts and circumstances of the case, it would be open to the petitioner to prefer quashing application which as per learned counsel for the petitioner is being preferred. So far his prayer for grant of compensation is concerned, it would be open to him to file appropriate application for the same.

With the aforesaid observation, this writ petition stands disposed

KHAN

of.

(S.P.Singh,J)

